



GOVERNMENT OF ODISHA

## **Odisha Outdoor Advertisement & Hoarding Policy, 2015**

**WORKS DEPARTMENT**

## **FOREWORD**

Display of advertisements by means of sign boards / hoardings, neon-signs, balloons etc. now a day constitutes an essential part of business. However, environment needs to be protected against undue intrusions, disfigurement and visual pollution. Manmade structures should not conflict with the environment. Instead they should blend with the surroundings and enhance its beauty by proper placing and pleasing designs. Moreover, advertising should not constitute a hazard to the safety and welfare of the citizens. The Hon'ble Supreme Court directed in its order of November 20, 1997 and then reiterated on 10th December, 1997 (M. C. Mehta v Union of India) that safety of road users is paramount. It had clarified that hazardous hoardings, which are disturbance to safe traffic movement, are those, which are visible to traffic on the road. It accordingly directed for removal of these hoardings. The Committee on Road safety constituted by the Apex Court has also recommended all State Governments need to draft and implement the Road side advertisement Policy Guidelines wherein proper design and display of road side advertisements/ Hoardings is the need of the hour.

A need was felt to evolve a policy guideline for display of advertisements / hoardings. The policy guidelines shall apply to all advertisements / hoardings including that within the jurisdiction of different urban local bodies as well as along different roads across the State. Keeping in pace with the changing scenario in the advertising domain, it was also felt that this pragmatic policy would help the stakeholders in understanding the guidelines for putting up advertisement / hoardings / display units.

The policy is based upon a careful review of global studies on the safety of hoardings. The premise of the policy is that all hoardings are not hazardous, but clearly hoardings on roads, visible to traffic, are potential dangers to drivers. It is for this reason that the outdoor advertising policy has given careful and high consideration to issues of road safety. This requires the policy to consider the location, design, size or type of sign along the arterial routes, where the potential for conflicts with traffic safety is highest. It also requires enforcement measures to ensure that structures adhere to these stipulations.

The policy for outdoor advertisements has been based on the emerging global practices as well as the need to maintain the character of the urban local body / safety of commuters on highways or roads. The policy is premised on the basis that advertisements are promoted primarily in parts of the urban local body, which are commercial in nature: business, industrial and shopping districts and discouraged in residential areas ,urban freeways and Right of Way (RoW) of State Roads.

## **The basis of the policy :**

### **(I) Ensuring road safety :**

The policy is based upon a careful review of global studies on the safety of hoardings. The premise of the policy is that all hoardings are not hazardous, but clearly hoardings on roads, visible to traffic, are potential dangers to drivers. It is for this reason that the outdoor advertising policy has given careful and high consideration to issues of road safety. This requires the policy to consider the location, design, size or type of sign along the arterial routes, where the potential for conflicts with traffic safety is highest. It also requires enforcement measures to ensure that structures adhere to these stipulations.

In this matter, the concern is driven by safety of road users and based on this the agency has stressed that :

- (a) No advertising device has to be placed anywhere under any category which will obstruct free movement of road users;
- (b) The distance between two advertisement devices should not be less than 100 metre on highways and main city roads.

The policy is premised on the fact that while outdoor advertisements or Hoardings do bring revenue to the city, any city-based policy must be driven by considerations of safety and aesthetics.

### **(II) Working for city aesthetics :**

The global review has noted that there are a significant number of cities, which discourage the use of large hoarding within the city. Hoardings are preferred in highways or if these large billboards are allowed within the city limit, then these are restricted to business or already commercial districts and areas. In Odisha, the Municipal Corporations like (ULBs and NACs), the agency mandated with overseeing issues connected to city aesthetics has also made it clear that it wants to ensure against visual clutter. The Commission's guidelines for outdoor advertisements is based on this premise.

The policy for outdoor advertisements has been based on the emerging global practices as well as the need to maintain the character of the city.

The policy is premised on the basis that advertisements are promoted primarily in parts of the city, which are commercial in nature: business, industrial and shopping districts and discouraged in residential areas and urban freeways.

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# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 153, CUTTACK, THURSDAY, JANUARY 21, 2016/ MAGHA 1, 1937

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## WORKS DEPARTMENT

### NOTIFICATION

The 16th January, 2016

No.613–07589600012015/W.— After careful consideration, Government in Works Department have been pleased to implement the Odisha Outdoor Advertisement & Hoarding Policy, 2015.

The Policy will be effective from the date of Publication in *Odisha Gazette*.

### **Draft Odisha Advertisement & Hoarding Policy, 2015**

#### **1. Preliminary :**

##### **1.1. Title :**

- 1.1.1. This policy may be called the *Odisha Advertisement & Hoarding Policy, 2015*.
- 1.1.2. The “Competent Authority” means Executive Engineers of different road owning Departments and / or Executive Head of Urban Local Body.

##### **1.2. Application:**

- 1.2.1 This policy is applicable to all advertisements within the Right of Way of State Highways and Major District Roads and within the jurisdiction of all Urban Local Bodies irrespective of locations, whether on land, building, wall, kiosk, post, tree guards or by any other means whatsoever in terms of advertisement / hoarding, frame, by which it is open to public viewing, visible from a public street or public place, may be moving or stationery.
- 1.2.2 This policy shall apply in general to banners, boards, balloons, gantries, sub-ways, illuminated and non-illuminated hoardings (including neon signs, electronic sign boards, video display boards etc.) Mobile vans, passenger shelters, posters, signs, temporary arches, and any other means of display of advertisements.

- 1.2.3 his policy however, does not apply to advertisements which exhibit within the doors / windows of any building, in which the said trade, profession or business carried on in that building.

**1.3. Commencement :**

- 1.3.1. This policy shall come into effect from their date of issue in the Official Gazette of Odisha.
- 1.3.2. This policy has incorporated all previously followed guidelines/ policies and hence shall supersede all other guidelines/ policies notified by different Departments and practices followed in the past in this respect.

**1.4. Policy Objective :**

- 1.4.1. Careful and high consideration should be given to the ambience of an area, the architectural character of the area or building in particular with due weightage to issues of road safety. This would require the policy to consider type of sign, location, size, design and should not conflict with traffic safety in any manner whatsoever.
- 1.4.2. It would require enforcement measures to ensure that advertisements / hoardings follow these stipulations in order to enhance the level of safety of commuters on roads and citizen in general by controlling distractions of the road users.
- 1.4.3. Permission to install / erect a hoarding/ an advertisement should be accorded/ compliant to the following criteria provided cumulative impact of the sign does not give rise to visual clutter:
- (i) If they support the commercial viability of significant nature of the building or its tenant (advertisement in cinemas etc) ; or
  - (ii) If they advertise a civic/community event involving the city ; or
  - (iii) If they can be considered as a public art

**1.5. Policy Principles :**

- 1.5.1. The outdoor advertisement or installation of Hoardings should not be driven by revenue, but by the development imperatives of urban local bodies and road safety context. Therefore, in its implementation, it will be clear that outdoor advertisements / hoardings are permitted only if they is not a road safety hazard or if they support the public service development and enhance its aesthetics of urban local bodies.
- 1.5.2. The outdoor advertisement / Hoardings should explicitly work to discourage visual clutter. This will be done by increasing the space between the billboards and in restricting large billboards to select areas of urban local bodies, like its commercial hubs.

- 1.5.3. The outdoor advertisement / Hoardings at no point of time compromise on road safety and also not hazardous to road and pedestrian traffic. There must be a significant correlation between road safety and distraction because of roadside billboards, visible to the drivers. This will be done by allowing large size billboards only after significant distance from the traffic junctions and intersections, by providing significant space between the two billboards on roads, by completely banning billboards on pedestrian walkways and in placing billboards at significant distance from the right of way of any road.
- 1.5.4. Size and type of the advertisements should depend upon the use of land and IRC/MoRT&H Codal provisions and Guidelines. Large size billboards will be completely banned on major arterial roads and highways. The list of roads will be decided jointly between the Road owning Authorities and the traffic police. However, the policy will actively promote the large size billboards in commercial areas (defined city center, district center /sub central business district, community center /local shopping center /convenience shopping center in the master plan) of the urban local body.
- 1.5.5. Advertisements /Hoardings on street furniture should be primarily promoted for the public good and comfort but should not play a decisive role in the placement of street furniture, vice versa however may be considered proper. Street furniture are devices placed on public service amenities of the urban local bodies like railway carriages, buses, metro trains, commercial passenger vehicles, bus shelters, City shelters, public toilets and public garbage facilities etc. The Competent Authority will ensure that the primary function of the “street furniture” is being maintained and if not then suitable punitive action must be taken against the advertising concessionaire.
- 1.5.6. The policy is judicious in ensuring that there is a differentiation between the use of commercial advertising and private advertising, where signage is used to identify the location of the owner of the building or the space within the building. The policy will do this by laying down clear lists of what is allowed and what is completely disallowed to guide members of the public.

## **2. Authority :**

- 2.1. The Road owning Department & concerned Urban Local Body will be the competent authority to jointly regulate the outdoor advertisements with a view to protect overall safety of road commuters.
- 2.2. No person / entity shall erect, exhibit, fix or retain over any land, building, wall, hoarding, frame, post, kiosk/Bill Board (to be displayed on electric pole) or structure or upon in any vehicle, any advertisement or display any advertisement to public view in any manner whatsoever in any place within the jurisdiction of the Urban Local Bodies without prior written permission of the concerned ULB.
- 2.3. Urban Local Bodies/ roads owning authorities keep a check on display / installation / erection of unauthorized and illegal outdoor advertising / hoarding and has the powers to remove or prohibit the display of any such advertising / hoarding. Urban Local Bodies can take punitive action against the violators by imposing a fine or imprisonment.
- 2.4. Sections 245 to 247 of Orissa Municipal Corporation Act, 2003 provides that any advertisement is displayed in contravention of these Sections of the Orissa Municipal Corporation Act, the same is actionable as per provisions of the said Act. The Competent Authorities have the authority to either give directions to the owner of the property to dismantle, remove, spoil, deface or screen any unauthorised and illegal advertisement or Urban Local Bodies itself can take similar action.
- 2.5. No person except licensed or registered advertisers or agencies is allowed to undertake the display of advertisement on behalf of others. Persons or agencies who undertake the display of advertisement, enroll themselves as licensed or registered advertisers with the Urban Local Bodies and furnish in this regard the required information, documents, surety, as may be determined by the concerned ULB.
- 2.6. The approval on placement or location of any advertisement visible from public place, their sizes etc. are all provided by Urban Local Bodies and can alter, reposition or remove any hoarding as per the powers vested in them. The directions of respective ULBs are final and binding on all outdoor-advertisers.

### **3. Outdoor advertising and road safety criteria :**

- 3.1. Roadside Advertising Devices are one of the many stimuli confronting road users. Cognitive assessment of roadside objects or devices becomes more difficult as the level of drivers attention, distraction and decision making is increased.
- 3.2 The permission criteria for the display of advertising devices are intended to ensure that a high level of safety for road users is maintained and traffic efficiency is assured.
- 3.3. Prior to accordance of permission / approval for installation / erection of new advertisement / hoarding, a committee comprising of responsible Officers of urban local body, State PWD, State PHED, DISCOM shall conduct a joint site visit and draw a proceeding to that effect which would be the base document for the authority communicating the requisite permission to the applicant.
- 3.4. An advertising device may be considered a traffic hazard on following ground:
- If it interferes with road safety or traffic efficiency
  - If it interferes with the effectiveness of a traffic control device (e.g. traffic light, stop or give way sign).
  - Distracts a driver at a critical time (e.g. making a decision at an intersection).
  - Obscures a driver's view of a road hazard (e.g. at corners or bends in the road).
  - Gives instructions to traffic to "stop", "halt" or other (e.g. give way or merge).
  - Imitates a traffic control device
  - Is a dangerous obstruction to road or other infrastructure, traffic, pedestrians, cyclists or other road users.
  - Is in an area where there are several devices and the cumulative effect of those devices may be potentially hazardous.
  - If situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes. The traffic hazard potential of an advertising device varies depending on its size, location, luminance and background. The hazard generally diminishes the further the device is away from the road. The application of control on physical characteristics is intended to minimize the level of driver distraction.

3.5. Control of the physical characteristics of advertising devices shall be as follows:

- Advertising Devices shall not use shapes that could potentially result in an Advertising Device being mistaken for an official traffic sign.
- The traffic hazard potential of an advertising device varies depending on its size, location, luminance and background. The hazard generally diminishes the further the device is away from the road.

#### **4. Permission for Display of Advertisement / Hoardings :**

The applicant agency shall apply for permission to the ULB in the forms as prescribed by the ULB and shall pay the requisite application fees and rents according to the Schedule of Rates approved by the ULB.

- 4.1. No person / entity shall erect, exhibit or fix advertisement devices/ hoardings on any land, building, wall, kiosk, post, tree guards by which it is open to public viewing, visible from a public street or public place, may be moving or stationery over any land, building, wall hoarding, frame, post, kiosk or any other structure in any place within the limit of respective Urban Local Body / Right of way of State roads without the written permission of the respective Competent Authorities .
- 4.2. The provisions on Road Side Advertisement as incorporated in IRC 46-1972 (first Revision) and IRC 67/2012 shall scrupulously be followed by the respective Competent Authorities of Road owning Agency for grant of permission.
- 4.3. The Competent Authority of Urban Local Bodies shall not grant such permission for installation / erection of Advertisement / hoardings if—
  - A license for the use of the particular site for purpose of advertisement has not been issued or
  - The tax, if any, due in respect of the advertisement / hoarding has not been paid
- 4.4. The Competent Authority of Urban Local Body / road owning agencies has the right to disapprove proposal for installation / erection of an advertisement /hoarding which they consider to be offensive, or when they are of the opinion that the type, position, size, appearance, illumination, animation, content or other characteristics of the advertisement or hoarding may adversely affect—
  - (i) The ambience of the area

(ii) The architectural character or appearance of the building, streetscape or precinct

(iii) Traffic safety

4.5. Permission criteria:

All on premises advertising devices / business / trade signs / hoardings should be restricted to commercial areas and authorized business/trade establishments within institutional areas.

- Under no circumstances shall on Premise Advertising Device / hoardings be permitted in residential areas.
- Under no circumstances shall illuminated on premise signs / hoardings be permitted to be in shops/commercial establishments facing residential areas on streets with width less than 12 meters.
- No advertisements/ hoardings shall be attached in any way to trees or shrubs.
- No Trade and Business sign, messages, posters or printed material of any nature shall be pasted onto any supporting column, pillar or post.
- On Premise Advertising Device / hoardings in any form shall not obstruct any pedestrian movement (vertically and laterally), fire escape, door or window openings.
- No On Premise Advertising Device / hoardings shall be in any form or manner interferes with openings required for light and ventilation.
- Under no circumstances shall On Premise Advertising Device / hoardings be located to obstruct or alter the frontal silhouette of any transparent/translucent surfaces/ openings.
- Non-illuminated transparent/translucent signs shall be permitted on transparent/ translucent external surfaces at any level.
- No trade and business sign / hoardings shall be in any form or manner interfere with fire safety transit/exit space requirements and prescribed norms.
- All On Premise Advertising Device / hoardings should under no circumstances reflect activity/activities other those undertaken within the premises.
- No advertisement / hoardings shall contain additional advertising - promoting products or services other than approve use of the premises or site irrespective of whether that product or service is provided, sold or available on the site.

- All On Premise Advertising Device / hoardings must have the compulsory required information as under :
  - Name of the trade and business
  - Shop/Premise number
- All On Premise Advertising Device / hoardings must conform to the prevailing laws with regard to decency, decorum, social harmony etc.
- All the advertisement / hoardings be visually interesting and exhibit a high level of design quality.
- All On Premise Advertising Device / hoardings must conform to structural/ architectural discipline of the surface / edifice / building / open areas.
- The scale and location of an advertisement / hoardings should be compatible not only with the building to which it is affixed but also take into consideration nearby buildings, streets and existing signs.
- Materials used and all On Premise Advertising Device / hoardings should be non-polluting, fire resistant and injury proof.
- Any new advertisement / hoardings shall consider existing signs on a building, site or adjoining streetscape to ensure that the sign does not give rise to visual signs and shall have a minimal projection from a building.
- The cabling and conduit should be concealed from view of the advertisement / hoardings and any supporting structure from all angles, including visibility from the street level and nearby higher buildings and against the skyline.
- No advertisement / hoardings under any circumstances shall be supported from, hung or placed on other signs. Each sign should be self-supporting or fixed securely with the architectural structure.
- Advertisement / hoardings painted on or applied on the roof of a building are not permitted. Signs built and/or suspended from the roof at the roof level are also not permitted.
- The advertisement / hoardings information should be kept to a minimum in the interest of both aesthetics and traffic safety.
- Where sub-ordinate information is allowed, the name or use of the business shall be the dominant message on the advertisement / hoardings- No supplementary (as in bylines, product specifications,

selling propositions) and subordinate information (addresses, telephone numbers, and other such details) which seeks the attention of drivers along vehicular stretches will be allowed as they present a traffic hazard.

- Advertisement / hoardings should be non reflective such that they do not flash or glare at drivers on the streets. Signs should not use reflective surfaces as mirror foils etc. as the use of such material are visually disruptive to traffic and can be hazardous to oncoming drivers.
- All permitted advertisement / hoardings would attract levies payable as outlined by the Urban Local Bodies.

## **5. General Policy Regulations:**

### **5.1. Physical Characteristics :**

The application of control on physical characteristics is intended to minimize the level of driver distraction.

#### **5.1.1. Size and shape**

Advertising devices shall not use shapes that could potentially result in an Advertising Device being mistaken for an official traffic sign.

#### **5.1.2. Colour**

(i) **The code of Practice for road Signs IRC: 67/2012 of Indian Roads Congress** prescribes the basic design parameters of official traffic signs and includes standard legend / background colour combinations.

(ii) Advertising devices shall not use colours that could potentially result in an Advertising Device being mistaken for an official traffic sign.

(iii) Use of fluorescent colours shall be restricted as they may hamper road visibility on exposure to direct sunlight.

#### **5.1.3. Illumination and Luminance**

(i) Advertising shall not contain flashing red, blue or amber point light sources which, when viewed from the road could give the appearance of an emergency service or warning lights.

(ii) Non-static illuminated Advertising Devices (flashing lights) are not permitted within the boundaries of urban roads.

(iii) External illumination sources shall be shielded and should not face the observer directly to ensure that external 'spot' light sources are not directed at approaching motorists.

- (iv) Illumination of advertising device should be concealed or be an integral part of it.
- (v) All lighting associated with the Advertising Device shall be directed solely on the Advertising Device and its immediate surrounds.
- (vi) Upward pointing light of the device shall not be allowed, any external lighting is to be downward pointing and focused directly on the sign to prevent or minimize the escape of light beyond sign.
- (vii) Any light source shall be shielded so that glare does not extend beyond the Advertising Device.
- (viii) The average maintained luminance shall be reduced to 0.5 candela or all together shut, after 2300 hours (11p.m.) and sunrise by automatic timing devices.

## **5.2. Advertising Device Content :**

The policy will rely upon self-regulatory controls within the advertising industry to enforce minimum advertising standards. Notwithstanding this approach, the urban local bodies / Road owning authorities may take action to modify or remove any Advertising Device that contravene the Advertising Industry's Code of Ethics, (refer List of Negative Advertisements) or that otherwise causes a traffic hazard.

- 5.2.1. Moving, rotating or variable message Advertising Devices are not permitted within the boundaries of Municipal Corporation-controlled roads as these cause a statistically significant distractive influence on motorist's response times to external stimuli.
- 5.2.2. This permission criterion is not intended to apply to variable message displays used by road authorities for traffic management or for displaying other corporate information. Variable message displays located at bus stops or similar places where messages are directed at, and intended for, pedestrians (not motorists) are excluded.
- 5.2.3. Following kinds of advertisements are forbidden:—
  - (i) Advertisements propagating racial caste or community discrimination or ethnic differences
  - (ii) Advertisements depicting cruelty to animals
  - (iii) Advertisements containing nudity

- (iv) Advertisements instigating / glorifying violence
- (v) Advertisement propagating exploitation of woman or child
- (vi) Advertisements banned by Advertisement Council of India or by law
- (vii) Advertisement promoting drugs, alcohol, cigarette or tobacco items.
- (viii) Advertisements depicting any nation or Institution in poor light
- (ix) Advertisements with indecent or obscene content (graphics, images or text).
- (x) Advertisements of weapons and related items
- (xi) Advertisement exhibiting blasphemous content
- (xii) Advertisement having sexual overtone
- (xiii) Advertisement casting aspersion of any brand or person
- (xiv) Advertisement promoting destructive devices and explosives depicting items
- (xv) Advertisement propagating lottery tickets, sweepstakes entries and slot machines related advertisements.
- (xvi) Advertisement casting any psychedelic, laser or moving displays
- (xvii) Advertisements which may be defamatory, trade libelous, unlawfully threatening or unlawfully harassing.
- (xviii) Advertisements which may be obscene or contain pornography or contain an "indecent representation of women" within the meaning of the Indecent Representation of Women (Prohibition) Act, 1986.
- (xix) Advertisement linked directly or indirectly to or include description of items, goods or services that are prohibited under any applicable law for the time being in force, including but not limited to the Drugs and Cosmetics Act, 1940, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Indian Penal Code, 1860;
- (xx) Any other contents of advertisements considered inappropriate by the urban local bodies / road owning authorities

5.2.4. For all categories of devices, text elements on an Advertising Device face should be easily discernible to traveling motorists. This will minimize driver distraction. Additionally, a sign shall be quickly and easily interpreted so as to convey the required advertising message to the viewer and reduce the period of distraction.

- 5.2.5. The content or graphic layout exhibited on advertising device panel shall avoid hard-to-read and overlay intricate typefaces and have letters styles that are appropriate. Under no circumstances should device contain information in text sizes, which would necessitate the driver or passenger in a moving vehicle to stop, read and/or note down, which is detrimental to the smooth flow of traffic and distracting for the driver.
- 5.2.6. All signs shall be so designed as to maintain a proportion where, as a general rule, letters should not appear to occupy more than 20% of the sign area, unless otherwise permitted by the municipal bodies.

### **5.3. Structure :**

- 5.3.1. Advertising Device structures including the foundations, shall be designed and checked for extreme wind conditions, earthquakes, soil bearing capacity etc. and shall comply with relevant Indian structural design standards, codes of practice and the policy guidelines. The designs shall be certified by an experienced and practicing Structural Engineer, nominated by the urban local body / road owning authority.
- 5.3.2. The certification should comply with relevant Indian structural design standards and relevant codes of practice.
- 5.3.3. The device structure should be well maintained. It shall be painted in colours that are consistent with, and enhance appearance of the surrounding area.
- 5.3.4. The name of the advertising device license holder should be placed in a conspicuous position on the device.

### **5.4. Places for display of advertisements :**

- 5.4.1. Municipal Commissioner may allow display of advertisement in the form of hoardings, uni-poles, tri-visions, frames, posts, kiosks, wall paintings or any other structure on/near the following :
  - (i) Along major arterial roads within the city and State Highways
  - (ii) On major intersections / crossings
  - (iii) Suitable land surrounding commercial areas
  - (iv) Around areas of transit and movement like railway stations / airports / bus stops etc.

#### 5.4.2. No advertisement Zones:

In front of /inside the compound of/ on the walls of any:—

- (i) Buildings of archaeological, architectural, aesthetical, historical or heritage importance.
- (ii) Places of worship or of religions significance
- (iii) Statues, Minarets or pillars of heritage importance
- (iv) Painted advertisements on tree barks/other fauna
- (v) Educational institutions
- (vi) Cremation grounds, graveyards
- (vii) Hospitals and nursing homes
- (viii) Police Stations, Post Offices, any Government or ULB Building/ Office
- (ix) Parks and Gardens
- (x) Within Right of Way of State Highways and Major District Roads.
- (xi) National Parks, district forests and water bodies in it and areas classified as remnant endangered regional ecosystems.

### 6. Sources for Electrical Connection and Promotion of Renewable Energy:

- 6.1. The electrical connections to advertising devices shall accord with relevant Indian Standards and designed to ensure there is no safety or traffic risk. A copy of the electrical contractor's test Certificate shall be provided to the urban local body / road owning authority.
- 6.2. The power consumer or the licensee shall make application for power connection and shall obtain electricity connection from the Electricity Service Provider in his name, after having obtained a "No Objection Certificate" from the urban local body.
- 6.3. The electrical installation work shall be performed by a licensed electrical worker in accordance with the electricity regulations.
- 6.4. To promote conservation of electricity, it is important that as far as possible, the illumination devices at all outdoor advertising devices shall draw power from alternate renewable resources like Solar Power.
- 6.5. No generators running on diesel / petrol / kerosene or any bio fuel, causing noise, air or water pollution shall be allowed for providing power for illumination of any advertising device / hoarding.

6.6. To promote conservation of electricity, it is important that the illumination at all outdoor advertising devices / hoardings shall draw from power from alternate renewable resources like solar power. To promote the use of alternative energy, advertisers and licensees of the advertising devices / hoardings shall be given reasonable rebate on monthly license fee.

7. Special Provisions for Display of Advertisements :

The general description of the advertisement device / hoarding, specific parameters and conditions of display shall be as per the stipulations tabulated below:

Sl. No.	Advertisement Display Device.	General Conditions of Display
(1)	(2)	(3)
1	Advertisement on Hoardings	<p>(a) Device:— Hoardings on Streets, footpaths, roof terraces or grounds.</p> <p>(b) Standard Size:— Hoardings 12'x20' and 8'x15'</p> <p>(c) Placement of Hoardings:— Since bus stations are major traffic generating points, location of hoardings is recommended at all Bus Station and few other important locations which are abutting the major roads and National Highways.</p> <p>(d) General Conditions :—</p> <p>(i) The size of hoarding shall in general be proportional to the general average width of the abutting road. On roads with less than 60' width, the largest standard length of 60' will not be permitted.</p> <p>(ii) Back to back placement of hoarding shall be permitted.</p> <p>(iii) The average height of the base of the hoarding should not obstruct safe movement of pedestrians or vehicles. And should be at least 11' and not greater than 60'. The top shall not be greater than 70' in any case.</p> <p>(iv) The minimum distance between two hoardings shall be so maintained that the proposed hoarding does not obstruct the existing hoarding.</p>

		<p>(v) As far as possible, uniformity of size and alignment thereof in a particular locality/ road shall be maintained.</p> <p>(vi) Installation of hoarding shall be permitted on a footpath with width less than 6 feet.</p> <p>(vii) Hoarding on a terrace shall not be allowed to project beyond the building line.</p> <p>(viii) The operating limit for illumination of the device shall not be more than 8 hours in a day and the illumination shall be put off before midnight.</p> <p>(ix) The Competent Authority of Urban Local Bodies, in special cases may relax the height restrictions for hoardings over flyover and elevated roads.</p>
2	Advertisements on Flyover and bridges.	<p>(a) The ground clearance of the advertisement shall be at least equal to the ground clearance of the bridge.</p> <p>(b) The maximum height of the advertisement shall not exceed the height of the parapet of the bridge.</p> <p>(c) The length of the advertisement shall not exceed 60 feet.</p> <p>(d) Advertisement on the lampposts shall not be more than 2 feet in width and 4 feet in height and at a clear height of not less than 11 feet from the level of the road.</p>
3	Advertisement on floating balloons.	<p>(a) The agency shall display the balloon in such a manner that it does not interfere with or obstruct other displays of advertisement. The agency shall make necessary arrangements for monitoring the movement of the balloon during its display.</p> <p>(b) The agency shall provide "No Objection Certificate" (NOC) from the Ministry of Civil Aviation, Govt. Of India and shall observe their Rules and Regulations.</p>

4	Bus Advertising	<p>(a) Device:— Bus Body Vinyl Stickering or Standard Quality Painting.</p> <p>(b) Permitted only on vehicles whose primary purpose is to serve a useful function in the transportation of persons or commodities from one place to another.</p> <p>(c) Advertisements shall be affixed, painted, magnetically applied on the outer surfaces of the vehicle.</p> <p>(d) No animation or movement of any form shall be permitted in fleet advertising.</p> <p>(e) Advertising devices shall not interfere in any way with the mandatory vehicle signs such as purpose of the bus service, number plate etc.</p> <p>(f) The advertisement agent shall have to obtain a No Objection Certificate from the Municipal Corporation for the display of advertisement at their own cost.</p>
5	Taxi Advertising	<p>(a) Area for advertisement / name / logo shall not exceed 25% of the surface area on each side of the vehicle except the entire front portion and rear window of vehicle.</p> <p>(b) No animation or movement of any form shall be permitted in fleet advertising.</p> <p>(c) Revenue shall have to be shared with the ULB and the parameter of the same shall be fixed by the concern ULB only.</p>
6	Parking	<p>(a) No part of the parking advertising device shall project into the public right of way.</p> <p>(b) Advertisement devices should not obstruct the available parking space.</p> <p>(c) Advertising sign face of the free standing advertising devices in parking area shall be oriented inwards facing the parking bays.</p>

		<p>(d) The parking tickets shall contain the Municipal Corporation hologram on the front side and the rates of parking fee and advertisement on the reverse side.</p> <p>(e) All parking tickets being issued shall be of standard size and color.</p> <p>(f) The uniforms meant for parking attendants shall have advertisement/logo of the firm on one side only.</p>
7	Devices mounted on tree guards.	<p>(a) The device shall form an integral part of the tree guard with size 0.3mx0.3m (LXW).</p> <p>(b) Signs shall be square advertising plates of the specified measurements.</p> <p>(c) The advertiser shall make sure to plant, maintain, prune and water the plant without causing any damage to the tree guard or the tree guard advertising sign.</p> <p>(d) No illumination in any form shall be permitted on the tree guards advertising signs.</p>
8	Traffic Barricading	<p>(a) Advertising sign shall be an integral part of the frame.</p> <p>(b) The advertising strip can be reflecting in nature.</p>

## 8. Implementation of the policy :

### 8.1. Strategy for Authorized Existing Devices :

- (i) Urban Local Bodies had permitted and authorized the display of Outdoor advertising at various locations prior to drafting and actual implementation of this policy. There is a possibility that some of them may not be in accordance to the policy currently drawn, however deviation cannot be allowed in the overall concept and implementation of the guidelines, parameters, conditions as laid down in this policy. It is important for Urban Local Bodies to apply the policy uniformly across the State of Odisha so that there is a consistent, aesthetical, functional and safe outdoor advertising.

- (ii) However, the caution has to be taken as many of the contracts and agreements that Urban Local Bodies would have signed with numerous authorized and registered advertisers. The sudden or abrupt termination of the contracts or agreements would lead to unnecessary legal hassles. The same shall at best be avoided and an understanding with the advertisers must be reached for relocation/removal of some of the devices that are not in conformity with the extant policy. It is suggested that whenever there is reallocation of an existing advertising device / hoarding, the current advertiser should be given the option to accept or reject the reallocated site without any alteration in fee structure. In case he refuses to accept the offer, it may be put to tender or other method of selected the preferred bidder. The advertiser, however, will not be entitled to any compensation on account of shifting of the site due to adoption of new policy.
- (iii) The decision of the Competent Authority of respective Urban Local Body, however, on the same shall be final. Urban Local Bodies should remove all unauthorised hoardings from their limits, which are being displayed without their valid permission.

**8.2. Compliance, enforcement and removal of unauthorized advertising devices :—**

- (i) Any unauthorized and non-conforming device installed at any location, property, vehicle, bridge, building etc. shall be removed. No leniency shall be shown towards any violator or unauthorized device. There will be strict adherence to this policy.
- (ii) Large sized bill boards should be completely banned in a Major City arterial road / ring road. The list of roads to be jointly decided by a Committee consisting of Works Department /BMC/BDA/Traffic Police/ Transport Department.
- (iii) The advertising Agency would have to mention the name of the Advertising Agency, License No. with Date & year of license issue on it clearly.
- (iv) Any advertisement displayed on any private property without permission from Civic Body, the owner of the property shall be held responsible for removing them & fine to the tune of double the amount of license fee shall be collected as fine.

- (v) *Every Road side Advertisement/ Hoarding shall be designed to withstand the Wind, seismic & other loads and the details thereof shall be followed with IRC : 67/2012/MoRT&H Guidelines and the size, spacing and advertisement control, etc. shall be in accordance with the IRC: 46/1972.*

### **8.3. Legal Action :**

Legal proceedings or the issue of an infringement letter may be undertaken for an unauthorized Advertising Device (in addition to removing the device). The unauthorized advertisement will be removed immediately, at the cost of the advertiser, for which no legal notice is required to be given. All legal action can be taken which falls in the jurisdiction of District Court.

### **8.4. Arbitration :**

- (i) Any controversy or dispute arising out of the permission granted to the advertiser, for display of advertisement in the Urban Local Bodies area shall be referred to sole arbitration of the Competent Authority of Urban Local Body, or any other Officer nominated by him in this behalf either by himself or on party's request.
- (ii) There shall be no bar to the reference of dispute to the arbitrator or such Officer as nominated by the Commissioner even if the said officer might have dealt with the matter is originally referred is transferred or vacates his Office or is unable to Act for any reason, the Competent Authority of Urban Local Body, or any other Officer nominated by him in this behalf either by himself or on party's request shall be competent to appoint another person to Act as an arbitrator, who shall be entitled to proceed with the reference from the stage at which it was left by his predecessor.
- (iii) No person other than the one nominated by the Competent Authority of Urban Local Body, or any other Officer nominated by him in this behalf either by himself or on party's request shall Act as arbitrator. The decision of the Competent Authority of Urban Local Body, or any other Officer nominated by him in this behalf either by himself or on party's requestor the arbitrator nominated by him, shall be final and binding on the party(ies). The limitation for filling claims for arbitration is 90 days from the expiry of the contract period and in case no claim is filed is filed within this period; it shall be presumed that there is no claim/dispute.

- (iv) The party invoking the arbitration clause shall specify the dispute or disputes, to be referred to arbitration under this clause together with the amount or amounts claimed in respect of each dispute.

**8.5. Jurisdiction :**

All disputes shall be subject to the jurisdiction of the Courts of Odisha only.

**8.6. Indemnity :**

A licensee/ advertisement or hoarding owner/ applicant shall be required to indemnify the Competent Authority of Urban Local Body / road owning authority, or any other Officer nominated by him in this behalf either by himself or on party's request for the designated Advertising Device and activities located within the boundaries of Urban Local Body right of way of highways or road. The licensee shall indemnify the Urban Local Body / road owning authority against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the Urban Local Body / road owning authority which arise as a result of the installation of an Advertising Device. The licensee shall keep the Urban Local Body / road owning authority indemnified against all actions, proceedings, claims, demands, costs losses damages and expenses which may be brought against, or made upon, the Urban Local Body which might arise from the existence of such Advertising Device. The advertiser shall always be responsible for any injury or damage caused to or suffered by any person or property arising out of or relating to the display of device/ advertisement and the consequential claim shall be borne by the advertiser who will also indemnify and safeguard the Urban Local Body / road owning authority in respect of any such claim or claims.

**8.7. Insurance :**

The Licensee shall provide evidence of public liability insurance for all types of Advertising Devices and activities located within the boundaries of Urban Local Body / right of way of highways or road.

- During the term and at its sole cost and expense, the licensee shall obtain and keep (in full force and effect in the joint names of the licensee and the Urban Local Body / road owning authority) a public liability insurance policy for their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons; or accident damage to property.

- The public liability policy of insurance shall be for an amount as specified by Urban Local Body / road owning authority for any single event (or such higher amount as may be notified in writing by the Urban Local Body / road owning authority from time to time) and shall be effected with and insurer approved in writing by the Urban Local Body / road owning authority and on the terms approved in writing by the Urban Local Body / road owning authority.
- The public liability policy of insurance shall include a clause in which the Insurer agrees to waive all rights of subrogation or action that it may have or acquire against all or any of the persons comprising the insured.
- The licensee shall produce evidence to the satisfaction of the Urban Local Body / road owning authority of the insurance affected and maintained by the licensee for the purposes of the second paragraph above, within seven days of receiving a written request to do so from the Urban Local Body / road owning authority.

#### **8.8. Appeals :**

Among other things, a person whose interests are affected by a decision relating to an Advertising Device / hoardings may lodge such an appeal. Before lodging an appeal, the affected person shall seek a review of the decision. The Urban Local Body / road owning authority shall provide a statement of reasons for the decision.

#### **9. Procedure for Grant of Permission :**

The following procedure will apply for grant of permission for erection, exhibition, fixation, retention or display of advertisement:

- (i) Every person desiring to erect, exhibit, fix, retain or display an advertisement shall send or cause to be send to the respective competent authorities of road owning agencies an application for permission. The said application form duly completed in all respects shall be submitted or cause to be submitted by the applicant in the Concerned Zonal Office against a proper receipt, The respective competent authorities of road owning agencies may after making such inspection as may be necessary and within thirty days after the receipt of the application, grant, refuse, renew or cancel the permission, as the case may be, in accordance with the provisions of the Act, and the Bye-laws made there under.
- (ii) No application shall be considered by the respective competent authorities of road owning agencies, if it is not submitted in the prescribed Performa along

with all the documents as are required by the Commissioner from time to time. Any application submitted in any other shall be deemed to be rejected without any notice and no person shall exhibit, erect, fix or retain upon or over any land, building, wall etc. any advertisement and display any advertisement to public view on the basis of the same.

- (iii) There shall be no deemed permission even after the expiry of 30 days of the submission of application in the prescribed Performa along with all the documents.
- (iv) If any tax on advertisement and penalty is not paid within stipulated time after the demand notice, the same shall be recoverable as an arrear of tax and the permission shall be deemed to be terminated. The respective competent authorities of road owning agencies shall be at liberty to remove the hoarding, etc.
- (v) If any advertisement erected, exhibited, fixed or retained on any land and building unauthorized and in contravention of provision of the Act and the bye-laws framed there under, such advertisements or hoardings shall be removed by the Commissioner without any notice whatsoever and expensed regarding removal of such unauthorized advertisement or hoardings shall be recovered from the concerned as per instructions of respective competent authorities of road owning agencies.

#### **10. Interpretation of the Policy:**

The Works/ Housing & Urban Department will issue further guidelines and instructions for smooth implementation of this Policy. Doubt relating to interpretation of any terms and/ or any dispute relating to implementation of the Policy shall be referred to Works/ Housing & Urban Department for clarification and the decision of the Government in this regard shall be final and binding on all concerned.

#### **ORDER**

Ordered that this Resolution be published in the next Extraordinary issue of “The *Odisha Gazette*” and copies of the same forwarded to all Departments of Government/ all Heads of Departments and the Accountant General, Odisha.

By Order of the Governor

NALINIKANTA PRADHAN

E.I.C.-cum-Secretary